The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ridge.

DIGEST

SB 205 Original | 2017 Regular Session | Morrell

Present law provides for powers and duties of licensing boards and commissions.

Present law provides for the disciplinary proceedings conducted by boards and commissions.

Proposed law provides that beginning January 1, 2018, and thereafter, if a board or commission determines after investigation that a disciplinary action is appropriate against a person or entity subject to its regulation, such board or commission shall refer the matter to the division of administrative law for a disciplinary adjudication by an administrative law judge in accordance with the Administrative Procedure Act.

Proposed law provides that the division of administrative law may promulgate rules in accordance with the Administrative Procedure Act to implement the provisions of proposed law, including uniform procedures and requirements for disciplinary adjudications conducted pursuant to proposed law.

Proposed law provides that a regulated person or entity who prevails in a final and definitive disciplinary adjudication conducted pursuant to proposed law shall be entitled to attorney fees, costs, and damages to be paid by the board or commission.

Proposed law provides that a regulated person or entity shall include a licensee, permit holder, or holder of a certificate issued by the board or commission, and any other person or entity subject by law to the disciplinary authority of a board or commission.

Proposed law provides that disciplinary adjudications conducted pursuant to proposed law shall be resolved as required by the provisions of present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 37:21.1 and R.S. 49:992.2; repeals R.S. 49:992(D)(5))